

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HILARY B. MILLER-BEY,

Plaintiff,

v.

DR. JOHN WILLIAMS,

Defendant.

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Case No. 4:21-CV-272-MTS

MEMORANDUM AND ORDER

This matter is before the Court upon the filing of a second amended complaint by self-represented Plaintiff Hilary B. Miller-Bey, an inmate at South Central Correctional Center. ECF No. 24. The Court granted Plaintiff leave to file a second amended complaint on September 13, 2021. ECF No. 23. Because Plaintiff is proceeding *in forma pauperis*, the Court has reviewed the second amended complaint pursuant to 28 U.S.C. § 1915. Based on that review, the Court has determined Plaintiff's allegations against defendants Dr. John Williams and Warden Brock Van Loo¹ are sufficient to proceed at this stage of the litigation. As a result, the Court will direct the Clerk of Court to issue process on the second amended complaint as to defendants Dr. John Williams and Warden Brock Van Loo in their individual capacities only.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall issue process or cause process to issue on the second amended complaint as to defendant Dr. John Williams, in his individual

¹ On June 14, 2021, this Court reviewed Plaintiff's first amended complaint pursuant to 28 U.S.C. § 1915. ECF No. 12. Among others, Plaintiff named both Dr. Williams and Warden Van Loo as Defendants. *See* ECF No. 10. Upon the Court's initial review of the first amended complaint, defendant Warden Van Loo was dismissed from this case for failure to state a claim. Plaintiff has, however, cured his pleading deficiencies in the second amended complaint as to Defendant Van Loo.

capacity, at the following address: Missouri Eastern Correctional Center, 18701 U.S. Highway 66, Pacific, Missouri 63069.

IT IS FURTHER ORDERED that the Clerk of Court shall issue process or cause process to issue on the second amended complaint as to defendant Warden Brock Van Loo, in his individual capacity, at the following address: Tipton Correctional Center, 619 North Osage Avenue, Tipton, Missouri 65081.

IT IS FURTHER ORDERED that because Plaintiff is proceeding *in forma pauperis* in this action, service shall be effectuated by the United States Marshal's Office through summons, pursuant to Fed. R. Civ. P. 4. *See* 28 U.S.C. §1915.

IT IS FURTHER ORDERED that a copy of the summons and return of summons for each Defendant shall be filed in this matter.

Dated this 15th day of September, 2021.

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', is written above a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE